

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Stephanie Desimone, et al. v. The Islamic Republic of Iran</i>	21-cv-07679 (GBD)(SN) ECF Case

**ATTORNEY DECLARATION IN SUPPORT OF MOTION FOR
ENTRY OF PARTIAL FINAL DEFAULT JUDGMENT**

Robert Keith Morgan, Esq., hereby states under penalty of perjury, as follows:

1. I am an attorney in The Miller Firm, LLC representing Stephanie Desimone, Individually and as the Personal Representative of the Estate of Patrick Dunn (collectively “Plaintiffs”) in the above-captioned matter.¹ I submit this Declaration in support of the motion for default judgment on behalf of the Plaintiffs identified in Exhibit A, attached hereto, from the action titled *Stephanie Desimone, et al. v. The Islamic Republic of Iran*, 21-cv-07679-GBD-SN. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court’s Order dated January 24, 2017 (ECF 3435), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D of the January 23, 2017 letter from the Plaintiff’s Executive committee, (ECF 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of the relief).”²

¹ On April 4, 2024, the Court granted Plaintiffs motion to substitute parties to correct the omission of Patrick Dunn’s name from the complaint alleging claims brought by Stephanie Desimone as the Personal Representative of the Estate (ECF 9683).

² Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

- b. The Court's Order dated October 14, 2016 (3362) related to the cases captioned as Bauer v. al Qaeda Islamic Army, 02-cv-7236 (GBD)(SN) and Ashton v. al Qaeda Islamic Army, 02-cv-6977 (GBD)(SN).
- 2. Service of process on the Islamic Republic of Iran in this matter was effectuated through diplomatic channels pursuant to 28 U.S.C. §1608(a)(4) on May 23, 2023 (21-cv-07679, ECF 54) and the Certificate of Default was entered August 14, 2023 (ECF 9286).

3. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firms representation of the Plaintiffs identified in Exhibit A in connection with the terrorist attacks of September 11, 2001, other court records relating to the *In re Terrorist Attacks of September 11, 2001* multidistrict litigation to which Stephanie Desimone and the Estate of Patrick Dunn are parties, my communications with other counsel representing other plaintiffs in the *In re Terrorist Attacks of September 11, 2001* multidistrict litigation, conversations with Stephanie Desimone and other family members, and official records provided by Stephanie Desimone. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

4. The Miller Firm has been retained by the Plaintiffs to pursue recovery for their damages arising out of the death of Patrick Dunn, including solatium damages suffered by his surviving spouse. The plaintiffs do not have any other motions requesting judgments pending against the Iranian defendants and, after reviewing records available to me regarding other judgments entered by this Court, I have not identified any relief that has been previously awarded to the plaintiffs against these defendants.

5. Patrick Dunn was a Commander in the United States Navy assigned to the Navy Command Center at the Pentagon in Arlington, Virginia. He was killed in the terrorist attack on the Pentagon on September 11, 2001. He was thirty-nine years old.

6. Stephanie Desimone is a citizen of the United States and is the surviving spouse of Patrick Dunn. Ms. Desimone's relationship to Patrick Dunn has been verified through written documentation obtained by our office and through interviews confirming the nature of her relationship to Patrick Dunn. As the surviving spouse of Patrick Dunn, Ms. Desimone is within the framework established by this Court for eligibility for solatium damages.

7. Patrick Dunn was a citizen of the United States and a member of the United States Armed Forces at the time of his death on September 11, 2001. This has been verified through documentary sources, court records, as well as interviews with family members. Stephanie Desimone is the Personal Representative of the Estate of Patrick Dunn. In accordance with the Court's prior decisions in this MDL, she may recover damages for the decedent's pain and suffering on behalf of the estate.

8. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D of the January 23, 2017 letter from the PEC (ECF 3433) and (2) personally verified that, based on the PEC's review of the records available to it regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any of the plaintiffs included in the judgment.

9. Accordingly, a proposed Order of Partial Final Judgment for the Plaintiffs identified in Exhibit A, conforming to the Court's previous orders, is being filed contemporaneously with this Declaration.

Dated May 1, 2024

/s/ Robert Keith Morgan _____

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